

CITY COUNCIL MINUTES

April 28, 2014

REGULAR SESSION

The Regular Session of the Auburn City Council was held in the Council Chambers, City Hall, 1225 Lincoln Way, Auburn, California on Monday, April 28, 2014 at 6:00 p.m. with Mayor Powers presiding and City Clerk Stephanie L. Snyder recording the minutes.

CALL TO ORDER at 5:15 p.m.

ROLL CALL:

Council Members Present: Kevin Hanley, J. M. "Mike" Holmes, William W. Kirby, Keith Nesbitt, Bridget Powers

Council Members Absent: None

Staff Members Present: Interim City Manager Rich Ramirez, City Attorney Michael Colantuono, Fire Chief Mark D'Ambrogi, Public Works Director Bernie Schroeder, Transit Analyst Megan Siren, Police Chief John Ruffcorn and Police Lieutenant Victor Pecoraro.

CLOSED SESSION

By **MOTION** adjourn to a Closed Session under Government Code Section 54957.6:
MOTION: Nesbitt/ Holmes/ Unanimously approved by voice

1. Conference with Labor Negotiators:

(G.C. 54957.6)

Agency Designated Representatives: Rich Ramirez
Employee Group: All Bargaining Units

2. Conference with Legal Counsel; Existing Litigation (Gov. Code § 54956.9(d)(1))

Name of Case: David Lawicka v. City of Auburn

Names of Parties or Claimants: David Lawicka

WCAB Nos. ADJ8999797; ADJ8911950; ADJ9120637; ADJ9120557; ADJ9120634
(Workers' Compensation Appeals Board)

3. Public Employee Appointment:

(G.C. 54957)

Title: City Manager

REPORT OUT OF CLOSED SESSION

Mayor Powers reported Council has identified a preferred candidate for City Manager and will begin negotiations with that candidate.

PLEDGE OF ALLEGIANCE

MAYOR'S COMMENDATIONS/PROCLAMATIONS/ACKNOWLEDGEMENTS/ ANNOUNCEMENTS

AGENDA APPROVAL

The agenda was approved as presented by consensus of Council.

CONSENT CALENDAR

1. Minutes

By **MOTION**, approve the City Council minutes of 3/24/2014.

The 3/10/2014 minutes will be tabled until the next meeting due to missing pages in the agenda packet.

***** End of Consent Calendar *****

By **MOTION**, approve the consent calendar.

The motion was made by Council Member Nesbitt and seconded by Council Member Hanley, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

2. Public Comment

Council Member Holmes asked for estimate on city staff costs/ impact for upcoming "Let's Not Forget" event in September.

Council Member Nesbitt spoke about Col. Bud Anderson event held April 27th. Council Member Kirby concurred and spoke about the event.

Council Member Hanley spoke about "May is Bike Month".

COUNCIL BUSINESS

3. Employer – Employee Relations Resolution ("EERR")

Interim City Manager Rich Ramirez presented this item. He said this matter stems from the Meyers-Milias Brown Act, which is the collective bargaining law that governs the labor management relations in California local governments including cities, counties and special districts. He said the Act authorizes the City to adopt reasonable procedures for the administration of employer-employee relations between the city and its workers. He said the Meyers-Milias Brown Act

has been amended since the adoption of the city's current employee-employer relations policy. He said the proposed EERR contains updates to be consistent with those amendments. He said additionally, in the interest of government transparency, the new EERR contains transparency and bargaining procedures for the Council's consideration. He said the intent is to provide greater transparency in the collective bargaining process by: initial proposals from the city and each bargaining unit will be available for public review along with a fiscal analysis of each. All negotiations thereafter would be conducted in confidence. When the meet-and-confer process is concluded between the city's representatives and exclusive recognized employee organizations, all matters agreed upon will be incorporated in a written memorandum of understanding (MOU). The MOU and a fiscal analysis of the proposed MOU will be made available to the public for two weeks before the Council acts on it.

City Attorney Michael Colantuono said the Meyers-Milias-Brown Act distinguishes between the things we must bargain with our employees about (terms of employment, wages, conditions of employment) and those things which are management rights including establishing rules governing how we recognize bargaining units and the framework for negotiations. He said this document falls into that management rights category. He said the City met with the employees to discuss this over the course of the last year, and have reached agreement with all the bargaining units that these terms are acceptable with the exception of the Auburn Police Officers Association (APOA) which has concerns about the transparency in bargaining provision. He said what the transparency in bargaining provision describes is the City's existing practice, which is that when the City receives initial proposals at the table, the City takes those proposals and analyzes the financial impact on the City and makes those publically available. He said then all negotiations continue in confidence until an agreement is reached and then the city makes the MOU available on the website for at least two weeks before Council takes action on the MOU. He said the purpose of the transparency in bargaining policy is to allow the public to know what the City is doing and to allow them to know what things cost and what we can get for what we are spending their dollars on. He said the APOA objects to this proposal, stating their concern is that it could lead to inappropriate posturing in City and bargaining unit's opening proposals.

Council Member Nesbitt asked about when this was brought up last year and if there was no offer to mediate the disagreement with the APOA before tonight. Council Member Hanley asked about the timeline in the resolution on the transparency in bargaining issue.

Mayor Powers confirmed that the City used the transparency in bargaining procedure with all the units except APOA last year.

Council Member Nesbitt said that the public's demand for more transparency is why this bargaining tool was implemented.

Council Member Kirby asked about the other units who have accepted this EERR.

No public comment.

Council Member Hanley spoke about the irresponsible decisions of other local governments which had collective bargaining agreements that were not shared with the public and did not include fiscal analysis. He said this bargaining procedure provides accountability and sufficient transparency.

Council Member Kirby said he doesn't understand the concerns from the APOA unit. He said he is in favor of the policy as long as all units have agreed to it. He said he is disappointed that no one from that unit came to tonight's discussion. He said until he better understands their concerns, he is not ready to vote on this item.

Council Member Holmes spoke about the media coverage on this topic in the past and present, and said he would like to move forward.

By **RESOLUTION 14-28**, consider adoption of the updated Employer-Employee Relations Resolution.

The motion was made by Council Member Nesbitt and seconded by Council Member Holmes, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Nesbitt, Powers
Noes: Kirby
Abstain:
Absent:

4. **2014 Sewer Rate Study & Analysis Report**

Public Works Director Bernie Schroeder presented this item. She reviewed the feasibility of moving from a flat-rate structure to a water consumption structure, details of the rate factor for restaurants, specific amount programed for the regional sewer project, and ability to subsidize senior citizens on fixed incomes (also detailed in the staff report). She reviewed the attachments: (a) the Draft Proposition 218 Notice, (b) the Draft 2014 Sewer Rate Study Update and (c) 2007 Sewer Rate Study.

Council Member questions followed regarding: (1) administrative costs on a water consumption structure, (2) restaurant rates, (3) CPI review by Council, (4) lift station charges, (5) sewer funds for staff costs.

Public Comment: Joseph Tucciarone, business owner of Fairgate Carwash, spoke about the effect of rates on his business.

Council Member comments followed regarding: (1) regional sewer cost, (2) administrative costs for consumption based billing, (3) lift stations, and (4) appeals process.

By **RESOLUTION 14-29**, preliminarily accept a sewer rate analysis and direct staff to give notice of a majority protest hearing pursuant to Proposition 218. The motion was made by Council Member Holmes and seconded by Council Member Kirby, and approved by the following roll call vote:

Ayes: Hanley, Holmes, Kirby, Nesbitt, Powers

Noes:

Abstain:

Absent:

REPORTS

5. City Council Committee Reports

Council Member Holmes reported on the grant received for installation of electric vehicle charging stations. He also reported on his upcoming trip to Washington, D.C. He reported that the State Theater will be “going dark” in a few days for the restoration. He said it’s planned to reopen in 90–120 days.


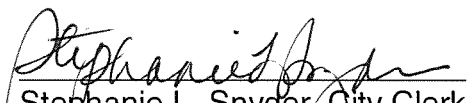
Council Member Nesbitt reported on the “May is Bike Month” and Amgen Tour of California coming to town.

Council Member Kirby reported on the “Let’s Not Forget” event in September.

Mayor Powers reported on the Placer County Economic Development Board and discussed tourism in Auburn. She reported on the Auburn Airport Business Park Association meeting.

ADJOURNMENT

Mayor Powers adjourned the meeting at 7:24 p.m., without objection, to an adjourned meeting Thursday, May 1 at 7:30 pm in Council Chambers to continue discussion of the closed session items.


Bridget Powers, Mayor
Stephanie L. Snyder, City Clerk